

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 11, 2017 – 6:00 P.M.
LAWTON CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank Jensen, City Attorney
Traci Hushbeck, City Clerk
COL Samuel Curtis, Fort Sill Liaison

Mayor Fitch called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend John C. Thompson, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bob Morford, Ward One
 Keith Jackson, Ward Two
 Caleb Davis, Ward Three
 Dwight Tanner, Jr., Ward Five
 Cherry Phillips, Ward Six
 Doug Wells, Ward Eight

ABSENT: Jay Burk, Ward Four
 V. Gay McGahee, Ward Seven

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO NANCY WILLOUGHBY

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Nancy Willoughby

REPORT ON ACTIVITIES FROM MAYOR'S COMMISSION ON STATUS OF WOMEN (STRICKEN)

AUDIENCE PARTICIPATION:

Tom Leon, 2307 NW Redwood Lane, stated we need accountability in this city. He would like to see Mr. Phelps come in and give a report on what he does up there as a lobbyist. He wants to know where the money is and what he is doing. He does not know where the money goes when it goes to the chamber. They are supposed to be taking care of the citizens of Lawton. He was never asked to come to their banquet even when he was a city councilmember. This is the citizen's money that goes to the chamber. We need to start tightening our belts and do what

needs to be done. Nothing is being accomplished and there is no accountability. There needs to be a citizens committee to look over the city's money list.

Martha Phillips, 320 Skyline Circle, stated she was here a couple months ago regarding a sewer back up. She has had her line checked with a camera and there is nothing wrong with her line, but there was stuff floating on top of the water on the city's line. She thinks the city should do something.

(Ms. Phillips Tenant – Name not given) stated the toilet was backing up and he saw lighting hit the city street light and it must have went through the house because it blew his TV up. He spent a whole day picking up human waste after it dried. They just don't want this to happen anymore.

Ms. Phillips stated she lost she lost \$4,000 on this back up and she feels that someone needs to do something.

Mayor Fitch stated staff will look into the issue.

Ms. Phillips stated that the city might want to reconsider her claim.

Arthur Hawkins, 7330 SW Pecan Meadow Drive, invited the council and citizens to participate in the Menes Shrine Temple #32 Annual Diabetes Walk in Elmer Thomas Park on July 22nd at 9 a.m.

CONSENT AGENDA

Mayor Fitch stated item #4 will be discussed separately and Jackson requested item #9 be considered separately.

MOVED by Wells SECOND by Jackson to approve the consent agenda with the exception of items #4 and #9. AYE: Morford, Jackson, Davis, Tanner, Phillips, Wells. NAY: None.
MOTION CARRIED.

1. Consider the following damage claims recommended for approval: Sheena Jones in the reduced amount of \$9,419.59 and Carolyn and Lee Thomas in the reduced amount of \$9,173.51. Exhibits: Legal Opinions/Recommendations, **Res. 17-86** and **Res. 17-87**.
2. Consider authorizing the City Attorney to accept the sum of Four Thousand Nine Hundred Fifty-Six and 16/100 Dollars (\$4,956.16) as settlement of the City's subrogation interest in the workers' compensation injury of employee Rodger Miller. Exhibits: None.
3. Consider renewing a professional services agreement for bond counsel services with the Floyd Law Firm, P.C., of Norman, OK. Exhibits: Floyd Law Firm, P.C. Proposed Professional Services Agreement.

4. Consider approving an agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. for the continued operation and management of a program and services for juvenile misdemeanor offenders, and authorize execution of the agreement and any associated documents. Exhibits: Agreement with Marie Detty Youth and Family Service Center, Inc. is on file in the City Clerk's Office.

Ihler stated an email was send regarding this item. In approving the budget, \$70,000 was allocated for this particular agreement. As they put together the agenda book, this was \$5,000 more than what was approved the previous year and they did not correct that in the comment section. The funds are available and \$70,000 was approved in the budget and staff is recommending that the council approve \$70,000 for this agreement.

MOVED by Wells SECOND by Jackson to approve an agreement between the City of Lawton and the Marie Detty Youth and Family Service Center, Inc. with an amended amount of \$70,000. AYE: Morford, Jackson, Davis, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

5. Consider approving a Master Services Agreement with AT&T for the purpose of providing dedicated high speed managed internet and router service at the City of Lawton Municipal Landfill located at 8902 SW 11th Street, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: AT&T Managed Internet Service Pricing Schedule Contract ID 8443114. June 29, 2017 service / cost explanation letter from AT&T. State of Oklahoma Master Agreement (SW450) is on file in the City Clerk's office.
6. Consider approving a Master Services Agreement with Vertical Communications Inc., for the purpose of providing SIP Trunking, a method by which business phone systems can operate using an internet connection, and Virtual Fax service, and authorize the Mayor and City Clerk to execute the agreement. Exhibits: Master Services Agreement is on file in the City Clerk's office.
7. Consider approving a Memorandum of Agreement between the Comanche County Health Department and the City of Lawton for public health services and authorize the Mayor and City Clerk to execute the document. Exhibits: Memorandum of Agreement.
8. Consider accepting a warranty deed from F.W.P. Partnership, an Oklahoma general partnership composed of Bedford M. Mitchell and Donald E. Gaskins, for right of way located north of Pecan Valley Apartments needed for the North Wolf Creek Sanitary Sewer Upgrade Project Part 4 (Emergency) Project# SSES 17-1, and authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location Map- Attached as Exhibit A. Document is on file in the City Clerk's office.
9. Consider approving the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorizing the Mayor and City Clerk to execute the agreement. Exhibits: Proposed Cooperative Program and Memorandum Agreement (on file with the City Clerk).

Jackson stated in October 1983 the city encountered a massive flood on the east side and water exceeded Cache Creek to as much as ¾ mile on each side. Lawton was sued by the Garden Village Homeowners Association as well as numerous farmers downstream. One of our state representative got money appropriated to install a stream monitoring system down Cache Creek from Lake Ellsworth to the Red River. One of the canisters is still sitting on E. Cache Creek and Rogers Lane. He suggested we take a look to see if any of them are still there or can any of them be made operational because they were placed there because it was important to know the flow and the height of the water we were encountering at that time.

Ihler stated we did have gages placed all the way to Walters. Some of them were stream gages and some were rain gages and due to funding on behalf of the USGS and the state and city we have not continued operating all of the ones that were installed in 1983.

Jackson stated they were very useful at that time and he believes it would be worth it.

Afsaneh Jabbar, Director of Water/Wastewater, stated with the two that we have at Ellsworth and Lawtonka that helps us to operate the gates and the one at Walters helps us see how far the water is in that area. There has been one additional gate installed by a different entity at Lee Boulevard and Cache and she always looks at that as a gage.

Jackson questioned if those were the ones installed back in 1983.

Jabbar stated no, this is a new one. She will provide some information on what gages are installed.

MOVED by Jackson SECOND by Wells to approve the Proposed Cooperative Program and Memorandum Agreement between the Oklahoma Water Resources Board, the U.S. Geological Survey and the City of Lawton and authorize the Mayor and City Clerk to execute the agreement. AYE: Morford, Jackson, Davis, Tanner, Phillips, Wells. NAY: None. MOTION CARRIED.

10. Consider extending contract for Corrosion Inhibitor Program to Thornton, Musso & Bellemin, Inc. of Zachary, LA for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
11. Consider approving plans and specifications for the Lawtonka Gate Rehabilitation Project and authorizing staff to advertise for bid. Exhibits: Construction plans and specifications are on file at the W/WW office.
12. Consider extending requirement contract for water line fitting and Valves; Items No. 3, 5, 9, 10, 11, 14, 19, 20, 21, 22, and 23 to HD Supply Waterworks, LTD of Owasso, OK; Items No. 4, 6, 7, 8, 13, and 15 to Ferguson Waterworks of Oklahoma City, OK; and Items No. 1, 2, 12, 16, 17, and 18 to Oklahoma Contractor Supply of Oklahoma City, OK for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.

13. Consider approval of payroll for the periods of June 19 – July 2, 2017.

NEW BUSINESS ITEM:

14. Consider approving an Agreement for Limited Services between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

John Hernandez, Executive Director of Museum of the Great Plains, provided the council with an update on activities at the museum. (Copy of presentation is on file in the City Clerk's office)

Tanner stated staff and the board of the museum have made fabulous improvements to the museum and every year he has supported the museum with his vote and every year he has had citizens come up to him in opposition to giving the museum of the Great Plains half a million dollars. They question why the council does this. He responds that it provides art and culture for the community and it promotes tourism and in some instances possibly economic development because if people are looking to relocate to Lawton this is an amenity they can look at. What he feels is the selling point to the citizens of Lawton he represents was that once a week they get to attend this museum at no cost, but last year that got taken away and it will be difficult for him at this point to support that unless they add at least one free day a month. That might appease some of these citizens that are opposed to this funding. A lot of people want to know what is in it for them.

Hernandez stated he understands but the budget they have received has gradually declined. You cannot have a museum like we have and not have increased cost. They are down almost \$75,000 from a few years ago and now they are giving more services to the citizens and they have to hire more floor facilitators. He stated it would hurt the museum if they have a free Sunday because why would anyone pay to be a member and their membership would drop and they would have to increase the number of floor facilitators for that particular day. They cannot go backwards. There are so many programs out there that are not free. He can take this back to his board.

Tanner stated he was elected to represent the 12,500 citizens in ward 5. This money allocated to the museum year after year belongs to the citizens. He understand that why would people pay a membership fee if they are not having to pay and that is why he is not asking for once a week like they had before, but at least once a month. He is just advocating for the citizens because it is their money.

Hernandez stated he cannot make this decision but he will gladly take the request to his board of directors for discussion at their next meeting.

Davis questioned what would be the outcome if the museum did not get the \$500,000.

Hernandez stated if they do not receive the funding he would have to cut his staff by 80%. They would be open for limited hours and have to reduce services. The museum would probably fold in two years. The City would receive a wonderful facility and over \$2 million in investments.

All of the exhibits would be dismantled and sent to the remaining four network museums. The collection itself is owned by the institute and they would probably move the collection to another location.

Davis questioned if they would be able to fundraise or receive grants. Would this literally shut the museum down.

Hernandez stated he is not sure, but they would keep it as long as they could and they would have to rely on their membership. No one gives money for operating expenses so they would not be able to get a grant.

Davis stated he understands this is hypothetical. The background information for this item states “The proposed Agreement would enable the Museum of the Great Plains Authority to fund the continued operation of the Museum, thereby encouraging tourism and enhancing economic development in and for the City.” He stated this has to do with \$500,000 that they are telling the citizens that they are spending their money to enhance economic development and tourism in and for the city of Lawton. He took the numbers of total visitors that they had last year which was 37,044 and the questions that citizens ask is what do they get from that, which is a natural question because it is their investment and their money. He stated they are nowhere even close to recouping those costs. If 100% of the citizens were from out of town and we assume that they wouldn’t spend money unless it was for the museum. Each person would have to spend \$330 per visit for the sales tax revenue to be a creation of \$14.84 and at that point we would just recover our cost of \$500,000. That is never going to happen. His standpoint is that he is under an obligation to make the best use of this \$500,000 as far as an investment because it is the citizen’s money and obviously this being listed for economic development and tourism, in his opinion, is mis-listed because it does not promote near that much.

Hernandez stated the \$50,000 they receive from hotel/motel tax is used to drive economic development. In 1998 the museum was a division of the City of Lawton, but they decided that for the museum to be able to go out and get governmental grants they would separate the museum. He lost his pension when that happened. They were promised that they would be given everything that they would have received if they were still under the City of Lawton. They did not get that and they are doing everything they can to survive. Every year they face the same music.

Morford stated Elmer Thomas Park costs more than the museum to maintain and they need to look at that value. There are a lot of intangibles around that you don’t take into consideration. He stated this will come up again next year.

Hernandez stated if the museum goes down to nothing, who is going to tell all those school kids that they now have to pay to come to the museum. They have approximately 3,900 children come to the museum. They are an informal education service and they provide things for Lawton Public Schools that they cannot afford. They cannot afford these hands on exhibits that are provided by the museum. He understands what the council is saying, but he feels that the museum gives a lot to the city. If the funding is not there they will have to do what they have to do.

Davis stated he is not debating whether or not the museum provides a good service or does great things for the community. The issue is that there is no way we will ever come close to recouping the cost and it is listed as we are giving this money for economic development and tourism and that is specifically why he is asking. He stated the museum does great work.

Hernandez stated the chamber brings people to the museum that are coming to Lawton with potential jobs to include doctors, lawyers, etc. This is quality of life and who says that you have to get something back. They have given back in that they have almost \$4.2 million in renovations to a building they don't even own.

Davis stated that maybe this should say that it enhances the quality of life. It is not the council's money and we are in a situation in the city of Lawton where they constantly tell the citizens that your roads can't be fixed, there are sewer lines crushed all over the city and they tell everyone that we don't have the money and then they come and say that they are giving \$500,000 to the museum for economic development.

Hernandez stated it should be \$500,000 to run the museum.

Morford stated this is just for services.

Tanner stated the funds have already been approved, the council is just approving a service agreement.

Davis stated aside from the \$500,000 they also provide the fueling for the cost of the city, printing services, just to be reimbursed for our cost.

Hernandez stated the museum pays for those costs. They go over and fill up with gas and the city sends them a bill. They even pay a water bill.

Davis stated the museum reimburses that at the city's cost. We get savings on our gas so we are providing that service to the museum already. There are additional services that the city provides besides this \$500,000.

Tanner stated he wants to add an additional service to this agreement. He will make a motion that the council approve this agreement contingent on the museum allowing the citizens of Lawton free entry once monthly. The museum can choose the day.

Jackson stated he is on the board of directors of the friends of the history center in Oklahoma City, a group who are the fundraising arm of that massive history center. He stated they are continuing to expand and none of those facilities cover their expenses. In Oklahoma City they have oil companies and people that donate millions and they still can't cover their expenses. They have full time staff that does nothing but go out and beg for money. He knows that our museum board is passionate about our museum and they work hard to make a facility that every citizen is proud of. He stated that Mr. Hernandez has already offered to take this request to his board of directors.

Tanner stated as local policy makers all he is trying to do is to clear things up right here and right now. This is a simple request. His motion is to approve contingent that they allow the citizens of Lawton at least one free visit to the museum monthly.

MOVED by Tanner to approve contingent that they allow the citizens of Lawton at least one free visit to the museum monthly.

Phillips stated she would like to ask the City Attorney if the council has the right to order their board to make this decision.

Tanner stated they are making the funds available contingent on this.

Jensen stated the council does not have the right to force anything on them, this is supposed to be an agreement where both sides can agree on something.

Wells stated the McMahon Foundation built that museum for the city and donated it to the city and the city agreed to provide staff to the museum and other things. That worked up to 1998 and a council at that time thought it would be better to separate them because they didn't have the ability to go out and get grants as a city division. A contract was worked up and they became a stand along organization. He stated if the council wants to do the things that have been talked about then they need to make the museum a division of the city again and then the council can direct what they want them to do. Otherwise, this is a slap in the face to the McMahon Foundation who donates millions of dollars to the city.

Tanner questioned how it is a slap in the face to ask them to allow the citizens of Lawton, who are giving them \$500,000, one free visit a month. That is unacceptable.

Wells stated when the museum was a city division we could ask them to do those things. They are trying to stay open and taking money away from them by offering free days is not a way to do it.

Tanner stated according to parliamentary procedures once he made a motion that motion should be voted on.

Wells stated there was no second.

MOVED by Tanner SECOND by Davis to approve contingent that they allow the citizens of Lawton at least one free visit to the museum monthly.

SUBSTITUTE MOTION MOVED by Wells SECOND by Morford to approve the agreement as written.

Mayor Fitch stated there is a situation in that we have two councilmembers that are not in attendance and there are two councilmembers that sit on the museum board, Councilmembers Wells and Morford.

Wells stated he would change his motion to table this item to the next meeting.

Tanner stated he has a second and they need to take a vote.

Mayor Fitch stated there is a substitute motion.

Wells stated if it ends up 2-2 or any member that is not here can bring the item back so they would be just as well to table it.

Tanner stated he just wants to take a vote. It was a simple request and he wants to approve their funding and he just wants the citizens to be allowed at least one free visit a month. He does not feel he is asking too much.

Phillips stated she thinks it is a good idea, but it is their board that has to make that decision.

Tanner stated it is the citizens representatives that negotiate the service agreement, that is what they are doing. He just made a simple amendment to this agreement. They can have an emergency meeting tomorrow and deny it.

Jensen stated that motion can be approved or disapproved, but Mr. Hernandez can't speak for his board.

SUBSTITUTE MOTION MOVED by Wells SECOND by Morford to table.

Davis stated that Councilmembers Wells and Morford are on the board and he questioned if they were required to abstain on this vote to table.

Jensen stated not for this motion to table. They are not actually voting on the agreement.

VOTE ON SUBSTITUTE MOTION: AYE: Morford, Jackson, Davis, Phillips, Wells. NAY: Tanner. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Phillips stated the opening of the splash pad was very successful and it is a great thing for our city and families are going to enjoy it.

Tanner stated he apologized for getting a little passionate and he wanted to get the funds to the museum tonight and he thought they could push through his once a month for the citizens.

Jackson stated the splash park is a great thing and approximately 1,150 people showed up the first day, 1,700 showed up the second day and 1,200 showed up today. It has been very well received. He stated the July 4th event was magnificent and he thanked Fort Sill for allowing the marines to come out and help them. He stated approximately 25,000 people showed up for the event.

The Mayor and Council convened in executive session at 7:17 p.m. and reconvened in regular, open session at 8:00 p.m. Roll call reflected all members present excluding Wells, who left the meeting prior to executive session.

EXECUTIVE SESSION ITEMS:

15. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Nathan M. Johnson as Municipal Judge, and in open session take other action as necessary. Exhibits: None.

Mayor Fitch read the title of item #15. No action was taken.

16. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending action involving an employee wage and benefit issue, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #16. No action was taken.

There being no further business to consider, the meeting adjourned at 8:01 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK